

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MDL No. 2272

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IN RE: ZIMMER NEXGEN KNEE  
IMPLANT PRODUCTS LIABILITY  
LITIGATION

Master Docket Case. No.: 1-11-cv-05468  
ALL CASES  
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This Document Relates to All Cases

JUDGE REBECCA PALLMEYER:  
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**APPLICATION OF VINCENT J. MOCCIO  
FOR PLAINTIFFS' STEERING COMMITTEE**

I, attorney Vince Moccio, respectfully submit my application to be considered for appointment as a member of the Plaintiffs' Steering Committee for the In re: Zimmer NexGen Knee Implant Products Liability MDL. As this Court is aware, the United States Judicial Panel on Multi-District Litigation established this MDL by Transfer Order dated August 8, 2011. I am willing, able, and available to serve as a member of the PSC. I have the skill and experience to serve the Court and this litigation in a meaningful way, and my firm has both the staff and the financial resources to assist me in fulfilling such an appointment.

My firm, Robins, Kaplan, Miller & Ciresi L.L.P., is counsel of record in the *Cheryl Gustafson and Cory Gustafson v. Zimmer, Inc., Zimmer Holdings, Inc., and Zimmer Surgical, Inc.* matter, which was originally filed in the District of Minnesota prior to the JPMDL hearing. The *Gustafson* case has

been transferred to this Court as part of the MDL. I have been retained by many other clients to represent them in connection with claims arising from the Zimmer NexGen products at issue in this MDL whose cases have not yet been filed. I submitted an Interested Party Response and attended the JPML Hearing in San Francisco on July 28, 2011.

### **PROFESSIONAL EXPERIENCE**

Robins, Kaplan, Miller & Ciresi L.L.P. is a national law firm with offices in Boston, New York, Naples, Atlanta, Minneapolis and Los Angeles. The firm has been serving clients – large and small, corporate and individuals – for nearly 75 years. We have a long-standing reputation in the world of mass tort litigation, and in connection with that, we have represented clients ranging from the Government of India to the State of Minnesota to Blue Cross and Blue Shield of Minnesota to Cheryl and Cory Gustafson.

I am a partner in the firm and have been with the firm for nearly twenty-five years. My entire professional life has been devoted to representing individuals in complex litigation, including cases involving defective medical devices and drugs. For the Court's convenience, I attach my *curriculum vitae* as Exhibit A, which provides additional information about my law practice and relevant experience.

I have been counsel to hundreds of individuals in personal injury and products liability cases, I was counsel to the State of Minnesota and Blue Cross Blue Shield of Minnesota in the Minnesota Tobacco Litigation, was counsel to 256 clients in the Mirapex MDL in Minnesota, where I operated in a *defacto* leadership role since my firm represented all of the first 200 cases filed and tried the first two—and only two—bellwether trials. I have also handled numerous appeals on the state and federal level. In addition to Zimmer NexGen, our firm is currently litigating a host of other orthopedic device claims, including the DePuy ASR, DePuy Pinnacle, and the Zimmer Durom Cup.

It is imperative that the Zimmer NexGen MDL PSC be comprised of attorneys with the experience necessary to prepare the cases fully with an eye towards bellwether trials. First hand experience with Daubert motions, depositions, document review, privilege issues and other discovery is crucial. I fully understand and embrace the need for cooperation amongst plaintiffs counsel, and believe I have the skills and experience necessary to serve the Court as a member of the PSC. While members of my firm have served on PSC's, I have never applied for such a position. I believe that I give the court the opportunity to appoint a relative “new-comer” who have almost 25 years experience handling the very issues that the PCS will be presented with.

I respectfully request that the Court appoint me to the Plaintiffs' Steering Committee, or in any role that the Court believes I may provide assistance.

DATED: \_\_9/6/2011\_\_

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By: \_\_/s/ Vincent J. Moccio\_\_

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# CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, using the electronic case filing system of the Court on the following attorneys:

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